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(Additional Counsel for Plaintiffs Listed on the Signature Page)

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

C.M., on her own behalf and on behalf of her  
minor child, B.M.; et al.

Plaintiffs,

v.

United States of America,

Defendant.

No. 2:19-cv-05217-SRB

**DECLARATION OF DIANA E.  
REITER IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT AND  
PLAINTIFFS' RESPONSE TO  
DEFENDANT'S STATEMENT  
OF UNDISPUTED MATERIAL  
FACTS IN SUPPORT**

Diana E. Reiter hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member of the State Bar of New York, and have been admitted to the bar of the District of Arizona *pro hac vice*. I am a partner at the law firm of Arnold & Porter Kaye Scholer LLP, counsel to Plaintiffs C.M., on her own behalf and on behalf of her minor child, B.M.; L.G., on her own behalf and on behalf of her minor child, B.G.; M.R., on her own behalf and on behalf of her minor child, J.R.; O.A., on her own behalf and on behalf of her minor child, L.A.; and V.C., on her own behalf and on behalf of her minor child, G.A., in the above-captioned case.

1       2. I submit this declaration in support of Plaintiffs' Opposition to Defendant's Motion  
2 for Summary Judgement and Plaintiffs' Response to Defendant's Statement of Undisputed  
3 Material Facts in Support of Defendant's Motion for Summary Judgment.

4       3. Attached to this declaration are exhibits, numbered 1-104:

- 5           1. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from  
6 the transcript of the September 13, 2022 deposition of Kevin K.  
7 McAleenan.
- 8           2. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from  
9 the transcript of the July 13, 2022 deposition of Commander Jonathan  
10 White.
- 11          3. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from  
12 the transcript of the May 25, 2022 deposition of Gene Hamilton.
- 13          4. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from  
14 the transcript of the June 24, 2022 deposition of Matthew Albence.
- 15          5. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from  
16 the transcript of the July 7, 2022 deposition of Michael Dougherty.
- 17          6. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from  
18 the transcript of the September 20, 2022 deposition of James McCament,  
19 the Rule 30(b)(6) Deponent for the Department of Homeland Security.
- 20          7. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from  
21 the transcript of the September 9, 2022 deposition of Thomas Homan.
- 22          8. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from  
23 the transcript of the June 7, 2022 deposition of Chad Wolf.
- 24          9. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from  
25 the transcript of the September 2, 2022 deposition of Robert Guadian.
- 26          10. Attached hereto as Exhibit 10 is a true and correct copy of excerpts  
27 from the transcript of the March 21, 2023 deposition of Shawn J.  
28 Jordan.

11. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the transcript of the April 7, 2022 deposition of Agent C.
12. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the transcript of the May 26, 2022 deposition of Agent R.
13. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the transcript of the May 17, 2022 deposition of John F. Bash, III.
14. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the transcript of the May 2, 2022 deposition of Brian Hastings.
15. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the transcript of the July 13, 2022 deposition of Sean Lokey.
16. Attached hereto as Exhibit 16 is a true and correct copy of excerpts from the transcript of the May 4, 2022 deposition of Mellissa Harper.
17. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from the transcript of the June 6, 2022 deposition of Case Worker Z.
18. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the transcript of the June 24, 2022 deposition of Case Worker C.
19. Attached hereto as Exhibit 19 is a true and correct copy of excerpts from the transcript of the July 11, 2022 deposition of Case Worker R.
20. Attached hereto as Exhibit 20 is a true and correct copy of excerpts from the transcript of the June 29, 2022 deposition of Case Worker V.
21. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from the transcript of the July 1, 2022 deposition of O.A.
22. Attached hereto as Exhibit 22 is a true and correct copy of excerpts from the transcript of the June 30, 2022 deposition of L.G.
23. Attached hereto as Exhibit 23 is a true and correct copy of Plaintiffs' Deposition Exhibit 21 (April 7, 2022).
24. Attached hereto as Exhibit 24 is a true and correct copy of Plaintiffs' Deposition Exhibit 22 (April 7, 2022).

25. Attached hereto as Exhibit 25 is a true and correct copy of Plaintiffs' Deposition Exhibit 113 (May 4, 2022).
26. Attached hereto as Exhibit 26 is a true and correct copy of Plaintiffs' Deposition Exhibit 199 (May 17, 2022).
27. Attached hereto as Exhibit 27 is a true and correct copy of Plaintiffs' Deposition Exhibit 280 (May 25, 2022).
28. Attached hereto as Exhibit 28 is a true and correct copy of Plaintiffs' Deposition Exhibit 281 (May 25, 2022).
29. Attached hereto as Exhibit 29 is a true and correct copy of Plaintiffs' Deposition Exhibit 283 (May 25, 2022).
30. Attached hereto as Exhibit 30 is a true and correct copy of Plaintiffs' Deposition Exhibit 284 (May 25, 2022).
31. Attached hereto as Exhibit 31 is a true and correct copy of Plaintiffs' Deposition Exhibit 285 (May 25, 2022).
32. Attached hereto as Exhibit 32 is a true and correct copy of Plaintiffs' Deposition Exhibit 293 (May 25, 2022).
33. Attached hereto as Exhibit 33 is a true and correct copy of Plaintiffs' Deposition Exhibit 294 (May 25, 2022).
34. Attached hereto as Exhibit 34 is a true and correct copy of Plaintiffs' Deposition Exhibit 297 (May 25, 2022).
35. Attached hereto as Exhibit 35 is a true and correct copy of Plaintiffs' Deposition Exhibit 300 (May 25, 2022).
36. Attached hereto as Exhibit 36 is a true and correct copy of Plaintiffs' Deposition Exhibit 303 (May 25, 2022).
37. Attached hereto as Exhibit 37 is a true and correct copy of Plaintiffs' Deposition Exhibit 304 (May 25, 2022).
38. Attached hereto as Exhibit 38 is a true and correct copy of Plaintiffs' Deposition Exhibit 315 (June 7, 2022).

- 1           39.       Attached hereto as Exhibit 39 is a true and correct copy of Plaintiffs'  
2               Deposition Exhibit 358 (June 24, 2022).
- 3           40.       Attached hereto as Exhibit 40 is a true and correct copy of Plaintiffs'  
4               Deposition Exhibit 365 (June 24, 2022).
- 5           41.       Attached hereto as Exhibit 41 is a true and correct copy of Plaintiffs'  
6               Deposition Exhibit 386 (July 7, 2022).
- 7           42.       Attached hereto as Exhibit 42 is a true and correct copy of Plaintiffs'  
8               Deposition Exhibit 387 (July 7, 2022).
- 9           43.       Attached hereto as Exhibit 43 is a true and correct copy of Plaintiffs'  
10              Deposition Exhibit 388 (July 7, 2022).
- 11          44.       Attached hereto as Exhibit 44 is a true and correct copy of Plaintiffs'  
12              Deposition Exhibit 390 (July 7, 2022).
- 13          45.       Attached hereto as Exhibit 45 is a true and correct copy of Plaintiffs'  
14              Deposition Exhibit 391 (July 7, 2022).
- 15          46.       Attached hereto as Exhibit 46 is a true and correct copy of Plaintiffs'  
16              Deposition Exhibit 394 (July 7, 2022).
- 17          47.       Attached hereto as Exhibit 47 is a true and correct copy of Plaintiffs'  
18              Deposition Exhibit 396 (July 7, 2022).
- 19          48.       Attached hereto as Exhibit 48 is a true and correct copy of Plaintiffs'  
20              Deposition Exhibit 398 (July 7, 2022).
- 21          49.       Attached hereto as Exhibit 49 are excerpts from the transcript of the June  
22              24, 2022 deposition of Matthew Albence.
- 23          50.       Attached hereto as Exhibit 50 is a true and correct copy of Plaintiffs'  
24              Deposition Exhibit 546 (July 13, 2022).
- 25          51.       Attached hereto as Exhibit 51 is a true and correct copy of Plaintiffs'  
26              Deposition Exhibit 547 (July 13, 2022).
- 27          52.       Attached hereto as Exhibit 52 is a true and correct copy of Plaintiffs'  
28              Deposition Exhibit 548 (July 13, 2022).

53. Attached hereto as Exhibit 53 is a true and correct copy of Plaintiffs' Deposition Exhibit 598 (July 15, 2022).
54. Attached hereto as Exhibit 54 is a true and correct copy of Plaintiffs' Deposition Exhibit 602 (July 15, 2022).
55. Attached hereto as Exhibit 55 is a true and correct copy of Plaintiffs' Deposition Exhibit 603 (July 15, 2022).
56. Attached hereto as Exhibit 56 is a true and correct copy of Plaintiffs' Deposition Exhibit 606 (July 15, 2022).
57. Attached hereto as Exhibit 57 is a true and correct copy of Plaintiffs' Deposition Exhibit 607 (July 15, 2022).
58. Attached hereto as Exhibit 58 is a true and correct copy of Plaintiffs' Deposition Exhibit 700 (March 21, 2023).
59. Attached hereto as Exhibit 59 is a true and correct copy of CM Plaintiffs' Exhibit 4.
60. Attached hereto as Exhibit 60 is a true and correct copy of a document produced by the government Bates labeled CD-US-0106104-CD-US-0106108, as well as a true and correct copy of its attachment, produced by the government with Bates label CD-US-0106113- CD-US-0106115.
61. Attached hereto as Exhibit 61 is a true and correct copy of a document produced by the government Bates labeled CD-US-0050928- CD-US-0050935.
62. Attached hereto as Exhibit 62 is a true and correct copy of a document produced by the government Bates labeled CD-US-0050974-CD-US-0050981.
63. Attached hereto as Exhibit 63 is a true and correct copy of a document produced by the government Bates labeled CD-US-0165492-CD-US-0165498.

- 1           64.       Attached hereto as Exhibit 64 is a true and correct copy of a document  
2                           produced by the government Bates labeled CD-US-0108517A-CD-US-  
3                           0108521A.
- 4           65.       Attached hereto as Exhibit 65 is a true and correct copy of a document  
5                           produced by the government Bates labeled CD-US-0094504A-CD-US-  
6                           0094507A.
- 7           66.       Attached hereto as Exhibit 66 is a true and correct copy of a document  
8                           produced by the government Bates labeled CD-US-0219608-  
9                           CD-US-0219620.
- 10          67.       Attached hereto as Exhibit 67 is a true and correct copy of a document  
11                          produced by the government Bates labeled CD-US-0109423-CD-US-  
12                          0109424, as well as a true and correct copy of its attachment, produced  
13                          by the government Bates labeled CD-US-0109425A-CD-US-0109428A.
- 14          68.       Attached hereto as Exhibit 68 is a true and correct copy of a document  
15                          produced by the government Bates labeled CD-US-0033682-CD-US-  
16                          0033683, as well as a true and correct copy of its attachment, produced  
17                          by the government Bates labeled CD-US-0033684A-CD-US-0033687A.
- 18          69.       Attached hereto as Exhibit 69 is a true and correct copy of a document  
19                          produced by the government Bates labeled CD-US-0056964-CD-US-  
20                          0056969, as well as a true and correct copy of its attachment, produced  
21                          by the government Bates labeled CD-US-0056970AT-CD-US-  
22                          0056973AT.
- 23          70.       Attached hereto as Exhibit 70 is a true and correct copy of a document  
24                          produced by the government Bates labeled CD-US-0032259AA-CD-US-  
25                          0032260AA.
- 26          71.       Attached hereto as Exhibit 71 is a true and correct copy of a document  
27                          produced by the government Bates labeled CD-US-0049600-CD-US-  
28                          0049601.

- 1           72.       Attached hereto as Exhibit 72 is a true and correct copy of a document  
2                   produced by the government Bates labeled CD-US-0049581.
- 3           73.       Attached hereto as Exhibit 73 is a true and correct copy of a document  
4                   produced by the government Bates labeled CD-US-0049559-CD-US-  
5                   0049564.
- 6           74.       Attached hereto as Exhibit 74 is a true and correct copy of a document  
7                   produced by the government Bates labeled CD-US-0049579-CD-US-  
8                   0049580.
- 9           75.       Attached hereto as Exhibit 75 is a true and correct copy of a document  
10                  produced by the government Bates labeled CD-US-0095696-CD-US-  
11                  0095705.
- 12          76.       Attached hereto as Exhibit 76 is a true and correct copy of a document  
13                  produced by the government Bates labeled CD-US-0047204-CD-US-  
14                  0047206.
- 15          77.       Attached hereto as Exhibit 77 is a true and correct copy of a document  
16                  produced by the government Bates labeled CD-US-0047352-CD-US-  
17                  0047355, as well as a true and correct copy of its attachment, a document  
18                  produced by the government Bates labeled CD-US-0047356A-CD-US-  
19                  0047357A.
- 20          78.       Attached hereto as Exhibit 78 is a true and correct copy of a document  
21                  produced by the government Bates labeled CD-US-0085000A, as well as  
22                  true and correct copies of its attachments, documents produced by the  
23                  government Bates labeled CD-US-0085001-CD-US-0085009.
- 24          79.       Attached hereto as Exhibit 79 is a true and correct copy of a document  
25                  produced by the government Bates labeled CD-US-0181371.
- 26          80.       Attached hereto as Exhibit 80 is a true and correct copy of a document  
27                  produced by the government Bates labeled CD-US-0138858.
- 28

- 1           81.       Attached hereto as Exhibit 81 is a true and correct copy of a document  
2                   produced by the government Bates labeled CD-US-0190917A- CD-US-  
3                   0190922A.
- 4           82.       Attached hereto as Exhibit 82 is a true and correct copy of a document  
5                   produced by the government Bates labeled CD-US-0078112- CD-US-  
6                   00781114.
- 7           83.       Attached hereto as Exhibit 83 is a true and correct copy of a document  
8                   produced by the government Bates labeled CD-US-0090006- CD-US-  
9                   0090007.
- 10          84.       Attached hereto as Exhibit 84 is a true and correct copy of a document  
11                  produced by the government Bates labeled CD-US-0153380-CD-US-  
12                  0153387.
- 13          85.       Attached hereto as Exhibit 85 is a true and correct copy of a document  
14                  produced by the government Bates labeled CD-US-0032259AA.
- 15          86.       Attached hereto as Exhibit 86 is a true and correct copy of a document  
16                  produced by the government Bates labeled CD-US-0045770AAA –  
17                  CD-US-0045771AAA.
- 18          87.       Attached hereto as Exhibit 87 is a true and correct copy of a document  
19                  produced by the government Bates labeled CD-US-0186376
- 20          88.       Attached hereto as Exhibit 88 is a true and correct copy of a document  
21                  produced by the government Bates labeled CD-US-0097294-CD-US-  
22                  0097296.
- 23          89.       Attached hereto as Exhibit 89 is a true and correct copy of a document  
24                  produced by the government Bates labeled CD-US-0071665-CD-US-  
25                  0071667.
- 26
- 27
- 28

- 1           90.       Attached hereto as Exhibit 90 is a true and correct copy of a document  
2                   produced by the government Bates labeled CD-US-0045414 through  
3                   CD-US-0045439.
- 4           91.       Attached hereto as Exhibit 91 is a true and correct copy of a document  
5                   produced by the government Bates labeled CD-US-0056912 through  
6                   CD-US-0056921.
- 7           92.       Attached hereto as Exhibit 92 is a true and correct copy of a document  
8                   produced by the government Bates labeled CD-US-0045347 through  
9                   CD-US-0045360.
- 10          93.       Attached hereto as Exhibit 93 is a true and correct copy of a document  
11               produced by the government Bates labeled CD-US-0139745 through  
12               CD-US-0139749.
- 13          94.       Attached hereto as Exhibit 94 is a true and correct copy of a document  
14               produced by the government Bates labeled CD-US-0080333 through  
15               CD-US-0080334.
- 16          95.       Attached hereto as Exhibit 95 is a true and correct copy of a document  
17               produced by the government Bates labeled CD-US-0096655A through  
18               CD-US-0096662A.
- 19          96.       Attached hereto as Exhibit 96 is a true and correct copy of a document  
20               produced by the government Bates labeled CD-US-0117776 through  
21               CD-US-00117778.
- 22          97.       Attached hereto as Exhibit 97 is a true and correct copy of a document  
23               produced by the government Bates labeled CD-US-0119141 through  
24               CD-US-0119144.
- 25          98.       Attached hereto as Exhibit 98 is a true and correct copy of an article  
26               entitled "Careless Cruelty," authored by Scott Shuchart and published in  
27               the Washington Post on October 25, 2018.
- 28

99. Attached hereto as Exhibit 99 is a true and correct copy of an article entitled “ICC Judges Issue Arrest Warrant for Vladimir Putin Over Alleged War Crimes,” authored by J. Borger & P. Sauer and published in The Guardian on March 17, 2023.

100. Attached hereto as Exhibit 100 is a true and correct copy of the Slip Opinion entered in *E.C.B. v. United States*, No. 22-CV-915 (D. Ariz.) on November 8, 2022.

101. Attached hereto as Exhibit 101 is a true and correct copy of excerpts from the transcript of the September 20, 2022 deposition of James McCament, the Rule 30(b)(6) Deponent for the Department of Homeland Security.

102. Attached hereto as Exhibit 102 is a true and correct copy of excerpts from the transcript of the June 7, 2022 deposition of Chad Wolf.

103. Attached as Exhibit 103 is a true and correct copy of excerpts from the transcript of the September 13, 2022 deposition of Kevin K. McAleenan.

104. Attached hereto as Exhibit 104 is a true and correct copy of excerpts from the transcript of the June 24, 2022 deposition of Matthew Albence.

I declare under penalty of perjury that the foregoing is true and correct. Executed on

April 24, 2023 in New York, New York.

By: 

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